

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Ken Peterson, on March 9, 2011 at 8:00 AM, in Room 137 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Ken Peterson, Chairman (R)  
Rep. Krayton Kerns, Vice Chairman (R)  
Rep. Diane Sands, Vice Chairman (D)  
Rep. Liz Bangerter (R)  
Rep. Robyn Driscoll (D)  
Rep. Bill Harris (R)  
Rep. Ellie Boldman Hill (D)  
Rep. David Howard (R)  
Rep. Cleve J. Loney (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Michael (Mike) More (R)  
Rep. Jesse O'Hara (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Joe Read (R)  
Rep. Keith Regier (R)  
Rep. Dan Skattum (R)  
Rep. Bob Wagner (R)

**Members Excused:** Rep. Kris Hansen (R)

**Members Absent:** Rep. Mike Menahan (D)  
Rep. Wendy Warburton (R)

**Staff Present:** Karen Armstrong, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 58, 3/4/2011; SB 149, 3/4/2011; SB 279, 3/4/2011;  
SB 151, 3/4/2011

Executive Action: None

**HEARING ON SB 149**

**Opening Statement by Sponsor:**

00:01:29 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 149, Provide for a crime of predatory loitering for previously convicted sex offender.

00:02:31 Rep. Menahan arrived.

00:02:52 Rep. Warburton arrived.

**Proponents' Testimony:**

00:05:39 David M. Staton, self

00:09:59 Ed Bartlett, City of Billings

00:10:41 Bob Vogel, Montana School Boards Association, self

00:11:46 Bruce MacIntyre, Billings Chamber of Commerce

00:12:19 AnnMarie McKittrick, Yellowstone County Attorney's Office

00:14:41 Rep. Regier exited.

00:16:22 Rep. Regier returned.

00:17:55 John MacDonald, City of Missoula and Police Chief Mark Muir

00:19:11 Mary Phippen, self

00:19:38 Mark Murphy, Montana County Attorneys' Association

00:20:24 Vice Chairwoman Sands exited.

00:21:04 Rep. Hill entered.

**Opponents' Testimony:**

00:23:54 Andy Hudak, Montana Sex Offender Treatment Association

00:33:49 Niki Zupanec, American Civil Liberties Union of Montana (ACLU)

**Informational Testimony:**

00:35:08 Pat Keim, Alternatives, Inc.

**Questions from Committee Members and Responses:**

00:36:20 Rep. Menahan

00:38:15 Sen. Essmann

00:38:31 Rep. Menahan

00:39:27 Sen. Essmann

00:40:33 Rep. Menahan

00:41:27 Sen. Essmann

00:42:09 Rep. Regier

00:42:43 Sen. Essmann

00:42:55 Rep. Regier

00:43:09 Sen. Essmann

00:43:49 Vice Chairwoman Sands returned.

00:44:08 Rep. Regier

00:44:31 Sen. Essmann

00:45:02 Rep. Harris

00:46:04 Sen. Essmann

00:46:39 Rep. Harris

00:47:27 Sen. Essmann

00:48:15 Rep. Harris  
00:48:55 Sen. Essmann  
00:49:19 Rep. Wagner  
00:50:09 Sen. Essmann  
00:50:18 Rep. Wagner  
00:51:01 Sen. Essmann  
00:51:37 Rep. Wagner  
00:51:59 Sen. Essmann  
00:52:21 Rep. Wagner  
00:52:40 Sen. Essmann  
00:53:08 Ms McKittrick  
00:54:48 Rep. Harris  
00:56:15 Rep. Menahan exited.  
00:56:32 Ms McKittrick  
00:57:57 Rep. MacDonald exited.  
00:58:11 Rep. Warburton  
00:58:27 Ms McKittrick  
00:58:39 Rep. Pease-Lopez exited.  
00:58:53 Vice Chairman Kerns exited.  
01:00:30 Rep. Warburton  
01:01:10 Rep. MacDonald returned.  
01:01:37 Ms McKittrick  
01:02:06 Sen. Essmann  
01:02:13 Rep. Warburton  
01:02:42 Sen. Essmann  
01:03:14 Rep. Hill  
01:04:08 Sen. Essmann  
01:04:43 Rep. O'Hara exited.  
01:05:00 Rep. Bangerter  
01:05:30 Sen. Essmann  
01:06:00 Rep. Bangerter  
01:06:18 Rep. Pease-Lopez returned.  
01:07:01 Rep. Wagner  
01:07:37 Mr. Hudak  
01:08:53 Rep. O'Hara returned.  
01:10:44 Rep. Wagner  
01:11:42 Ms McKittrick  
01:13:41 Rep. Wagner  
01:14:03 Rep. Driscoll exited.  
01:15:31 Ms McKittrick  
01:15:57 Rep. Harris  
01:17:10 Ms McKittrick  
01:17:37 Chairman Peterson  
01:19:27 Sen. Essmann  
01:19:55 Chairman Peterson  
01:20:04 Sen. Essmann

**Closing by Sponsor:**

01:20:17 Sen. Essmann

01:22:28 Rep. Regier exited.

### **HEARING ON SB 58**

#### **Opening Statement by Sponsor:**

01:22:36 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 58, Lengthen time DNA evidence must be preserved in certain cases.  
(The Legislative Interim Committee Report on Law and Justice as well as all the committee's meeting agendas and minutes are available at the following website: <http://leg.mt.gov/css/default.asp>)

01:22:52 Rep. Bangerter exited.  
01:22:59 Rep. Driscoll returned.  
01:23:10 Rep. Bangerter returned.  
01:24:10 Rep. Regier returned.  
01:25:38 Rep. Wagner exited.

#### **Proponents' Testimony:**

01:32:27 Jessie McQuillan, Director, Montana Innocence Project  
**EXHIBIT(juh53a01)**  
01:34:18 Rep. Wagner returned.  
01:39:36 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence  
01:41:57 Rep. More exited.  
01:46:01 Kirk Bloodsworth  
01:52:22 Niki Zupanic, ACLU  
01:53:16 Rep. Howard exited.

#### **Opponents' Testimony:**

01:54:01 Mark Murphy, Montana County Attorneys Associaton (MCAA) Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)  
01:56:11 Rep. Howard returned.  
01:56:18 Rep. More returned.  
02:00:01 Harold Blattie, Executive Director, Montana Association of Counties (MACo)  
02:06:34 Rep. Menahan returned.  
02:09:07 Bob Gilbert, Rosebud County, Dawson County, Musselshell County  
02:11:25 Jim Smith, Montana Sheriffs and Peace Officers Association.  
02:14:21 Rep. O'Hara exited.  
02:14:37 Michael Sehestedt, self  
02:16:09 Rep. Read exited.

#### **Informational Testimony:**

02:16:39 Phil Kinsey, Supervisor and DNA Technical Leader, Forensic Biology Section, State Crime Lab, Department of Justice (DOJ)

#### **Questions from Committee Members and Responses:**

02:17:04 Rep. Loney  
02:17:26 Mr. Kinsey, DOJ  
02:17:33 Rep. Loney  
02:17:39 Rep. Harris

02:18:28 Mr. Kinsey  
02:19:24 Rep. Harris  
02:19:43 Mr. Kinsey  
02:19:52 Rep. Read and Rep. O'Hara returned.  
02:20:03 Rep. Harris  
02:20:25 Mr. Kinsey  
02:20:28 Rep. Harris  
02:20:57 Mr. Kinsey  
02:21:34 Rep. Harris  
02:22:25 Mr. Kinsey  
02:22:28 Rep. Howard exited.  
02:22:53 Vice Chairman Kerns returned.  
02:23:28 Rep. Wagner  
02:24:03 Mr. Kinsey  
02:24:50 Rep. Wagner  
02:25:18 Rep. Kinsey  
02:26:31 Rep. Howard returned.  
02:26:53 Rep. Wagner  
02:27:45 Mr. Murphy, MCAA  
02:27 52 Rep. Wagner  
02:28:18 Mr. Murphy  
02:29:28 Rep. Hill  
02:31:13 Mr. Blattie, MACo  
02:32:31 Rep. Hill  
02:33:02 Mr. Blattie  
02:34:13 Rep. Hill  
02:35:02 Sen. Moss  
02:37:04 Rep. MacDonald  
02:38:04 Ms McQuillan  
02:40:32 Rep. MacDonald  
02:41:03 Ms McQuillan  
02:42:02 Rep. Harris  
02:43:10 Mr. Murphy  
02:43:47 Rep. Harris  
02:44:18 Mr. Kinsey  
02:44:51 Rep. Harris  
02:45:18 Mr. Kinsey  
02:45:36 Rep. Loney  
02:45:42 Rep. Pease-Lopez exited.  
02:46:05 Mr. Murphy  
02:46:27 Rep. Loney  
02:46:47 Mr. Murphy  
02:46:54 Rep. Loney  
02:46:58 Mr. Murphy

**Closing by Sponsor:**

02:48:36 Sen. Moss  
  
02:49:17 Rep. Pease-Lopez returned.  
02:51:15 Rep. O'Hara exited.

**HEARING ON SB 151****Opening Statement by Sponsor:**

02:54:49 Taylor Brown (R), SD 22, opened the hearing on SB 151, Provide a court surcharge to fund Montana Crime Prevention Association.

**EXHIBIT(juh53a02)**

02:55:24 Rep. Howard and Rep. Loney exited.

03:01:48 Rep. MacDonald exited.

03:05:07 Rep. MacDonald returned.

03:05:19 Rep. Howard returned.

03:06:06 Rep. Loney returned.

**Proponents' Testimony:**

03:07:04 Robert Putzke, Police Chief, MSU Bozeman, President of Montana Crime Prevention Association (MCPA)

**EXHIBIT(juh53a03)**

03:07:28 Rep. Regier exited.

03:08:51 Rep. Driscoll exited.

03:12:07 Rep. Howard exited.

03:12:15 Dan Haffey, self

**EXHIBIT(juh53a04)**

03:13:06 Chairman Peterson exited.

03:13:52 Rep. Driscoll returned.

03:14:50 Gina Evans, self

03:16:30 Chairman Peterson returned.

03:17:18 James Mariska, MCPA

03:18:06 Rep. Bangerter is exited.

03:20:26 Sharmon Brougham, MCPA

03:20:52 Rep. Bangerter returned.

03:22:02 Alex Ward, self

**EXHIBIT(juh53a05)**

03:24:10 Warren Hiebert, self

**EXHIBIT(juh53a06)****Opponents' Testimony:**

03:24:38 Mary Phippen on behalf of Judge Larry Carver, Montana Magistrates Association

**EXHIBIT(juh53a07)**

03:27:08 Rep. Regier returned.

03:28:02 Rep. Hill exited.

03:28:17 Tim Ravndal, taxpayer, Broadwater County

**Informational Testimony:**

03:30:03 Mark Thatcher, Public Safety Bureau Chief, Montana Board of Crime Control

**Questions from Committee Members and Responses:**

03:30:35 Vice Chairwoman Sands

03:31:38 Mr. Thatcher

03:32:12 Rep. Hill returned.  
03:33:12 Rep. MacDonald  
03:33:32 Rep. Howard returned.  
03:34:09 Mr. Thatcher  
03:35:15 Rep. Harris exited.  
03:35:32 Rep. Menahan  
03:36:38 Ms Phippen  
03:36:43 Rep. Menahan  
03:36:58 Rep. O'Hara exited.  
03:37:10 Ms Phippen  
03:37:35 Rep. Wagner  
03:37:57 Mr. Thatcher

**Closing by Sponsor:**

03:38:26 Sen. Brown  
  
03:39:14 Mr. Putzke  
03:39:32 Rep. Harris returned.  
  
03:39:55 Sen. Brown  
  
03:41:38 Rep. O'Hara returned.

**HEARING ON SB 279****Opening Statement by Sponsor:**

03:44:28 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 279, Allow legislative security personnel w/permit to carry weapon into Capitol.

**[EXHIBIT\(juh53a08\)](#)**

03:44:43 Vice Chairwoman Sands exited.  
03:46:36 Rep. More exited.  
03:47:08 Rep. Read exited.  
03:48:30 Rep. More returned.  
03:52:25 Rep. Read returned.

**Proponents' Testimony:**

03:55:45 Tim Ravndal, Lewis and Clark Conservative Tea Party, Montana Tenth Amendment Center.  
03:56:48 Vice Chairwoman Sands returned.

**Opponents' Testimony:**

04:08:38 Bob Gilbert, self

**Informational Testimony:** None**Questions from Committee Members and Responses:** None**Closing by Sponsor:**

04:12:39 Sen. Jackson

04:14:25 Harold Blattie

[\*\*EXHIBIT\*\*](#)(juh53a09)

04:14:46 Rep. Menahan

04:15:17 Chairman Peterson



**ADJOURNMENT**

04:15:32      Adjournment:

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT**([juh53aad.pdf](#))